

1 **STATE OF NEW MEXICO**
2 **BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

3 **IN THE MATTER OF:**

4 **PROPOSED NEW REGULATION**

5 **20.2.50**

No. EIB 21-27 (R)

6 ***Oil and Gas Sector – Ozone Precursor Pollutants***

7 **NOTICE OF INTENT TO PRESENT REBUTTAL TESTIMONY**

8 The New Mexico Oil and Gas Association (“NMOGA”), pursuant to 20.1.2.206 NMAC
9 and the Scheduling Order, hereby provides the attached Notice of Intent to Present Rebuttal
10 Testimony and the associated exhibits of John Smitherman, Adam Meyer, Justin Lisowski, Dennis
11 McNally, Marise Textor, and Ken Nichols.

12 **1. Name of each witness.**

13 Contact information for John Smitherman, Adam Meyer, Justin Lisowski, Dennis
14 McNally, Ken Nichols, and John Dunham were provided in NMOGA’s July 28, 2021 Notice of
15 Intent to Present Technical Testimony. Contact information for additional rebuttal witnesses is as
16 follows:

17 **Marise Textor**

18 Senior Advisory Consultant

19 EHS Regulatory Strategies & Advocacy

20 mltextor@globalessinc.com

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22 **2. A copy of rebuttal testimony**

23 Rebuttal testimony for each witness is provided in the following exhibits:

- 24 • John Smitherman – Exhibit 41
25 • Adam Meyer – Exhibit 42

- Justin Lisowski – Exhibit 43
- Dennis McNally – Exhibit 44
- Ken Nichols – Exhibit 45
- Marise Textor – Exhibit 46

3. Qualifications of witnesses

The qualifications of each witness are detailed in Exhibits 29-34 and 52.

4. Text of any recommended modifications to the proposed regulatory change.

An updated redline with additional supporting rationale and minor typographical corrections has been provided in Exhibit 47.

5. Exhibits anticipated to be offered at the hearing.

NMOGA has added exhibits 41-54 in support of its technical witness rebuttal testimony.

NMOGA's complete exhibit list is as follows:

Exhibit #	Description	Prepared By
NMOGA A1	Direct Testimony of John Smitherman	John Smitherman
NMOGA A2	Direct Testimony of Adam Meyer	Adam Meyer
NMOGA A3	Direct Testimony of Justin Lisowski	Justin Lisowski
NMOGA A4	Direct Testimony of Dennis McNally	Dennis McNally
NMOGA A5	Direct Testimony of Ken Nichols	Ken Nichols
NMOGA A6	Direct Testimony of John Dunham	John Dunham
NMOGA B	NMOGA Redline	NMOGA
NMOGA 1	New Mexico Ozone Attainment Initiative Photochemical Modeling Study – Draft Final Air Quality Technical Support Document	Ramboll
NMOGA 2	Modeling Guidance for Demonstrating Air Quality Goals for Ozone, PM2.5 and Regional Haze	EPA
NMOGA 3	Control Techniques Guidelines for the Oil and Natural Gas Industry	EPA
NMOGA 4	Cost per Ton for NSPS for stationary compression ignition (CI) internal combustion engine	Tanya Parise, Alpha-Gamma Technologies, Inc.

NMOGA 5	Equipment leak detection and quantification at 67 oil and gas sites in the Western United States	API
NMOGA 6	Characterizing Light-Off Behavior and Species-Resolved Conversion Efficiencies During In-Situ Diesel Oxidation Catalyst Degreening.	Knafl, A, S. Busch, M. Han, et al.
NMOGA 7	Supplementary Information Volume 3 for the CSU/DOE Gathering and Boosting Study	CSU/DOE
NMOGA 8	Changes in coal sector led to less SO ₂ and NO _x emissions from electric power industry	EIA
NMOGA 9	MIRATECH Selective Catalyst Reduction System	Miratech
NMOGA 10	Table W-1A to Subpart W of Part 98, 40 CFR Part 98	EPA
NMOGA 11	Greenhouse Gas Emissions Reporting From the Petroleum and Natural Gas Industry, Background Technical Support Document	EPA
NMOGA 12	Compendium of Greenhouse Gas Emissions Methodologies for the Oil and Gas Industry. Table 5-15	API
NMOGA 13	Emissions from the Natural Gas Industry, Volume 12: Pneumatic Devices, Final Report	Shires, T.M. and M.R. Harrison. Methane
NMOGA 14	Equipment leak detection and quantification at 67 oil and gas sites in the Western United States, Supplemental Material	API
NMOGA 15	Methane Emissions from Process Equipment at Natural Gas Production Sites in the United States: Pneumatic Controllers	Allen, D. T.; Pacsi, A.; Sullivan, D.; Zavala-Araiza, D.; Harrison, M.; Keen, K.; Fraser, M.; Hill, A. D.; Sawyer, R. F.; Seinfeld, J. H.
NMOGA 16	Assessment of Uinta Basin Oil and Natural Gas Well Pad Pneumatic Controller Emissions. J. Environ. Prot. 8:394. 2017	Thomas, E. D., P. Deshmukh, R. Logan, M. Stovern, C. Dresser, and H. L. Brantley
NMOGA 17	UDAQ response to EPA Comments on Changing the Intermittent Pneumatic Controller Emission Factor for the Utah Air Agencies 2014 Emissions Inventory	UDAQ

NMOGA 18	First-in-the-nation rule to slash methane emissions from Colorado oil and gas operations relied on compromise	Mark Jaffe, the Colorado Sun
NMOGA 19	Oil and Natural Gas Sector Pneumatic Devices	U.S. EPA Office of Air Quality Planning and Standards
NMOGA 20	Convert Gas Pneumatic Controls To Instrument Air	EPA
NMOGA 21	2011 and 2017 Oil and Gas Emissions Inventory Development	Colorado Department of Public Health & Environment
NMOGA 22	[RESERVED]	
NMOGA 23	[RESERVED]	
NMOGA 24	API comments on the 2016 Control Techniques Guidelines	API
NMOGA 25	API comments on NSPS OOOOa reconsideration	API
NMOGA 26	API comments on NSPS OOOOa	API
NMOGA 27	Envirofacts Table for the Greenhouse Gas Reporting	EPA
NMOGA 28	CSU/DOE Gathering and Boosting study final report	CSU/DOE
NMOGA 29	John Smitherman Qualifications	John Smitherman
NMOGA 30	Adam Meyer Qualifications	Adam Meyer
NMOGA 31	Justin Lisowski Qualifications	Justin Lisowski
NMOGA 32	Dennis McNally Qualifications	Dennis McNally
NMOGA 33	Ken Nichols Qualifications	Ken Nichols
NMOGA 34	John Dunham Qualifications	John Dunham
NMOGA 35	May 2020 OEWS Estimates	Bureau of Labor Statistics, Department of Labor
NMOGA 36	The Western Oil and Natural Gas Industry 2018 Economic Impact Study	John Dunham
NMOGA 37	Well Methodology	John Dunham
NMOGA 38	Regulatory Impact Analysis of the Proposed Emission Standards for New and Modified Sources in the Oil and Natural Gas Sector	EPA
NMOGA 39	New Mexico Crude Oil First Purchase Price	U.S. Energy Information Administration
NMOGA 40	FRED Graph Observations	Federal Reserve Bank of St. Louis
NMOGA 41	Rebuttal Testimony of John Smitherman	John Smitherman
NMOGA 42	Rebuttal Testimony of Adam Meyer	Adam Meyer
NMOGA 43	Rebuttal Testimony of Justin Lisowski	Justin Lisowski

NMOGA 44	Rebuttal Testimony of Ken Nichols	Ken Nichols
NMOGA 45	Rebuttal Testimony of Dennis McNally	Dennis McNally
NMOGA 46	Rebuttal Testimony of Marise Textor	Marise Textor
NMOGA 47	Revised Redline	NMOGA
NMOGA 48	Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches To Address Ozone and Fine Particulate Matter	EPA
NMOGA 49	Ozone Design Value Tables	EPA
NMOGA 50	Guidance on the Development of Modeled Emission Rates for Precursors (MERPs) as a Tier 1 Demonstration Tool for Ozone and PM2.s under the PSD Permitting Program	EPA
NMOGA 51	Facility Diagram	John Smitherman
NMOGA 52	Resume of Marise Textor	Marise Textor
NMOGA 53	Forth Worth Natural Gas Air Quality Study	Michael O. Pring, Regi Oomen, John Wilhelmi
NMOGA 54	COGA Engine Rulemaking Rebuttal and Technical Analysis	Spirit Environmental
NMOGA 55	Testimony re: OCD rule	OCD
NMOGA 56	Deliberations re: OCD rule	OCD

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HISER & JOY, PLC

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1 **CERTIFICATE OF SERVICE**

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3 I hereby certify that on September 7, 2021, a true and correct copy of the foregoing ***Notice***
4 ***of Intent to Submit Direct Rebuttal Testimony*** was served via electronic mail to the following:
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